

**Amendment to the Drawings:**

FIG. 8 has been amended to replace one of the instances of reference character 816 with 806 and to correct a typographical error. FIG. 8 has also been amended to be consistent with the description in the specification, e.g., regarding version information unit 804.

An annotated sheet of drawings is attached.

A replacement sheet incorporating the proposed changes is also attached.

No new matter has been added.

Attachment: Annotated Sheet Showing Changes.

Replacement Sheet Incorporating Proposed Changes.

### **REMARKS**

The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.111 in response to the final Office Action mailed August 8, 2006.

#### **Examiner's Action and Applicants' Response**

The Examiner stated that the disclosure of the provisional application, from which priority was claimed, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. § 112 for Claims 1 and 3. As a result, the Examiner examined the application based upon its filing date of February 20, 2002.

The Examiner objected to the Information Disclosure Statement (IDS) filed March 6, 2006 as failing to comply with 37 C.F.R. § 1.98(a)(2) in that a copy of the foreign patent document WO 01/99416 A2 has not been provided. In response, Applicants have provided a copy of document WO 01/99416 A2 along with a copy of the PTO-1449 which listed that document. Applicants respectfully request that the Examiner acknowledge receipt of WO 01/99416 A2.

The Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) and 37 C.F.R. § 1.84(p)(5) with regard to certain reference characters. In response, Applicants have amended the specification and drawings.

Claim 4 was objected to because the recitation of "viewers" is inconsistent with earlier recitations of viewers. Applicants have amended The Examiner has rejected Claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Matthews, III, U.S. Patent No. 5,600,368. Claims 6 and 7 have been rejected under 35 U.S.C. 103(a) as being obvious based on Matthews, III in view of Butler, et al., U. S. Patent Application Publication No. 2002/0007493. Applicants respectfully traverse the rejections.

In this amendment, Applicants have amended Claims 1-4, the drawings, and the specification. After entry of this amendment, Claims 1-7 will be pending.

#### **Response to the Examiner's Denial of the Priority Claimed to the Provisional Application**

The Examiner acknowledge Applicants' claim for the benefit of a prior-filed. The Examiner stated, however, that "[t]he disclosure of the prior-filed application, Application No. 60,270,419, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35

U.S.C. § 112 for one or more claims of this application. Claims 1 and 3 respectively require that the 'said broadcaster receiv[es] requests from at least one of said viewers for at least one version [or at least two versions] of said program' whereupon the broadcaster makes a decision as to what to transmit based upon the viewer requests. The earlier filling (sic) is silent with respect to the broadcaster making decisions as to what versions of programs to supply based upon subscriber requests. Accordingly, the application shall be examined based upon its filling (sic) date of 20 February 2002."

Applicants respectfully submit that there is no indication in the Office Action that the denial of priority is of relevance regarding the particular rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) included in the Office Action. Therefore, Applicants respectfully reserve the right to challenge the Examiner's denial of the present application's claim of priority to the Provisional Application.

**Response to the Objection to the Drawings under 37 C.F.R. § 1.84(p)(4)**

The drawings have been objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character "816" has been used to designate both the 'Stored Viewer Preferences Unit' and the 'Displayed Version'. In response, Applicants have amended FIG. 8 herein as suggested by the Examiner to identify the Stored Viewer Preferences Unit as 806. Applicants therefore request that this objection be withdrawn.

**Response to the Objection to the Drawings under 37 C.F.R. § 1.84(p)(5)**

The drawings have been objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because several reference characters are not mentioned in the description. In response, Applicants have amended the specification to include the reference characters. Applicants therefore request that this objection be withdrawn.

**Response to the Rejection of Claims 1-5 under 35 U.S.C. § 102(b)**

The Examiner has rejected Claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Matthews, III. Regarding Claim 1, the Examiner stated that "... the Matthews, III reference discloses a 'method of broadcasting of a program containing a plurality of versions from a broadcaster to viewers' (Figure 7). The method comprises 'broadcasting information from said

broadcaster' [120] 'to said viewers that said plurality of versions of said program are available to said viewers' in conjunction with the ability to view a particular program from various camera angles (Col 6, Lines 30-56). The 'broadcaster' [120] 'receives requests from at least one of said viewers for at least one version of said plurality of versions of said program . . . mak[es] a decision to broadcast said one version of said plurality of versions of said program based upon said requests; and . . . broadcast[s] said one version of said plurality of versions of said program to said one of said viewers' in accordance with their request to view a particular viewpoint of the broadcast program (Figures 7-8; Col 7, Lines 33-54). Applicants respectfully disagree.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1-3 have been amended to correct typographical errors and to further clarify the claims. Claims 1 and 3 are both directed to a "method of broadcasting a program containing a plurality of versions from a broadcaster to viewers". Claims 1 and 3 include the step of "broadcasting information from said broadcaster to said viewers indicating that said plurality of versions of said program are **available** to said viewers". (Emphasis added). Applicants respectfully submit that Matthews, III does not teach or suggest broadcasting information to viewers indicating that a plurality of versions of a program are **available**, as claimed in Claims 1 and 3.

Applicants respectfully submit that Matthews, III discloses the use of virtual channels used to carry video signal from different cameras, i.e., showing different view than the corresponding primary channel. (Col. 3, lines 17-26). Matthews III discloses that "[t]he video streams generated by the cameras are carried on separate channels which are simultaneously broadcast to the viewer's home. The program's producer assigns the cameras to corresponding channels **in a manner compatible with directional control afforded by the camera control buttons 34 on remote control handset 26**. For instance, suppose the program producer assigns a composite signal (i.e., the signal produced and edited by the program staff that is traditionally available on television) to channel 120. The video signals produced by cameras 42-48 are assigned to respective channels 121-127. Channels 120-127 can be referred to as 'virtual channels' because the actual identity of

channel remains hidden from the viewer who believes that he/she is watching the sports channel '20'." (Col. 3, lines 58-Col. 4, line 4). (Emphasis added). Applicants respectfully submit therefore that Matthews, III teaches that channels with different cameras are assigned compatible with the camera control buttons 34, but respectfully submit that there is no teaching in Matthews, III of broadcasting information to the viewers indicating the plurality of channels with different cameras are **available**. In other words, Applicants respectfully submit that Matthews, III, teaches that the camera control buttons 34 on the remote handset are used by a viewer to select the different camera channels **without** information being broadcast to the viewers indicating a plurality of versions are **available**. Applicants respectfully submit that Matthews, III does not teach that information as to the availability of the virtual channels with different cameras is broadcast, i.e., the different channels are displayed in response to a corresponding camera control buttons 34 on a remote control handset 24 or they are not.

Moreover, Matthews, III discloses that "... the change of camera viewpoints is **transparent** to the viewer. The viewer believes that he/she is still watching the sports network on channel '20', even though the set-top box is switching among multiple channels all the time. The intuitive, **transparent** control of camera viewpoints afforded by this invention is advantageous because the viewer does not have to expressly change channels or memorize the various channels which carry the different camera viewpoints." (Col. 5, lines 50-57). (Emphasis added). Applicants respectfully submit that the teaching in Matthews, III of having **transparent** control further indicates that information is **not** broadcast from the broadcaster to the viewers indicating that the plurality of versions of the program are **available** to the viewers, as claimed in Claim 1 and 3.

Further, Applicants respectfully submit that Matthews, III teaches an aspect where a television 22 is shown already displaying a selected virtual channel, i.e. a different camera was already selected and sent to the viewer for viewing. (Col. 6, lines 31-32, FIG. 6). In addition, selectable icons displayed on television 22 in FIG. 6 represent "... alternative viewing screens which display information other than video footage of the baseball game. For example, the screen associated with option icon 100 might provide the statistics of a player or entire team and the screen associated with option icon 102 might provide the league standings." (Col. 6, lines 34-40.) Applicants respectfully submit that these alternative viewing screens are for information "other than video footage" of the program, e.g., baseball game, and thus are **not available versions of a program**, as claimed in Claims 1 and 3. Matthews, III also discloses regarding FIG. 6 that "[o]nce

the modal selection icon 104 is highlighted, the viewer can hit the modal select button 36 to toggle to the other mode of operation. In the second mode of operation, the camera control buttons 34 are used to switch among the virtual channels, in the manner described above.” (Col. 6, lines 52-56). Applicants respectfully submit that, as described above, the use of the camera control buttons 34 to select different camera views is **without** the broadcasting of information from the broadcasters to the viewers indicating that the plurality of versions of the program are **available** to the viewers.

For all of the above reasons, Applicants respectfully submit that Matthews, III does not teach or suggest broadcasting information to viewers indicating that a plurality of versions of a program are **available**, as claimed in Claims 1 and 3. Applicants respectfully submit therefore that Claims 1 and 3 are not anticipated by Matthews, III.

Claim 2 depends from Claim 1 and is respectfully submitted as not being anticipated by Matthews, II for the same reasons as given above for Claim 1. Claims 4 and 5 depend from Claim 3 and are respectfully submitted as not being anticipated by Matthews, II for the same reasons as given above for Claim 3.

#### **Response to the Rejection of Claims 6 and 7 under 35 U.S.C. § 103(a)**

Claims 6 and 7 have been rejected under 35 U.S.C. 103(a) as being obvious based on Matthews, III in view of Butler, et al. The Examiner stated that “[t]he Matthews, III reference is silent with respect to how it necessarily ‘obtains content information’ in association with the provision of viewing options (Col 6, Lines 30-43). In an analogous art pertaining to the field of broadcast video programming, the Butler et al. (US Pub No. 200210007493 A1) reference discloses a method for ‘obtaining content information contained’ in either ‘a blanking interval of said program’ or ‘a packet of digital information comprising said program’ (Figure 5; Para. [0015] - [0016] and [0054] - [0058]). Accordingly, it would have been obvious to one having ordinary skill in the art to modify Matthews, III so as to ‘obtain content information contained’ in either ‘a blanking interval of said program’ or ‘a packet of digital information comprising said program’ for the purpose of utilizing an improved means for providing ancillary data along with video broadcasts along with a scheme for overlaying the contents on the primary video display in an interactive television system (Butler et al.: Para. [0008]).” Applicants respectfully disagree.

Claims 6 and 7 depend from Claim 3 and thus are respectfully submitted as being non-

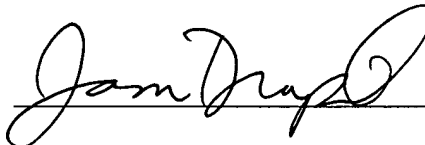
obvious based on Matthews, III for the same reasons as given above for Claim 3. Applicants respectfully submit that Butler, et al., singly or combined with Matthews, III, does not teach or suggest a method of broadcasting as claimed in Claims 3 and 7. Further, Butler, et al. does not disclose selecting a version including obtaining content information, as claimed in Claims 6 and 7. For all of the above reasons, Applicants respectfully submit that Claims 6 and 7 are non-obvious based on Matthews, III in view of Butler, et al.

**Conclusion**

For the above reasons, Applicants respectfully submit that all pending claims, Claims 1-7, in the present application are allowable. Such allowance is respectfully solicited

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,



James W. Drapinski  
Registration No: 46,242

November 3, 2006

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
Telephone: (415) 984-8200  
Telefax: (202)-585-8080

APPENDIX